

1 PHILLIP A. TALBERT
2 United States Attorney
3 JUSTIN J. GILIO
4 Assistant United States Attorney
5 2500 Tulare Street, Suite 4401
6 Fresno, CA 93721
7 Telephone: (559) 497-4000
8 Facsimile: (559) 497-4099

9
10
11 Attorneys for Plaintiff
12 United States of America

13
14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA, Plaintiff,
18 v.
19 MARTIN VELAZQUEZ, Defendant.

20 CASE NO. 1:22-CR-00249-JLT-SKO
21 STIPULATION REGARDING EXCLUDABLE
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;
23 ORDER
24 DATE: January 22, 2024
25 COURT: Hon. Jennifer L. Thurston

26
27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
30 through defendants' counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for a change of plea hearing on January 22, 2024.
32 2. By this stipulation, defendant now moves to continue the change of plea hearing to
33 February 26, 2024, at 9:00 a.m. before the Hon. Jennifer L. Thurston, and to exclude time between
34 January 22, 2024, and February 26, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv).

35 3. The parties agree and stipulate, and request that the Court find the following:
36 a) The government has represented that the discovery associated with this case
37 includes cell phone extractions, investigative reports, photographs and other media evidence. All
38 this discovery has been either produced directly to counsel and/or made available for inspection
39 and copying.

1 b) Since the change of plea hearing was set, counsel has met and consulted with her
2 client and reviewed the government's plea offer. Defense counsel and defendant need the
3 additional time to consider the government's offer and for defense counsel to continue some
4 independent investigation, and prepare for the change of plea hearing.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendants in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of January 22, 2024 to February 26,
14 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it
15 results from a continuance granted by the Court at defendants' request on the basis of the Court's
16 finding that the ends of justice served by taking such action outweigh the best interest of the
17 public and the defendants in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

22
23
24 Dated: January 18, 2024

PHILLIP A. TALBERT
United States Attorney

25
26 _____
27 /s/ JUSTIN J. GILIO
28 JUSTIN J. GILIO
 Assistant United States Attorney

1 Dated: January 18, 2024

/s/ Monica Bermudez

2 Monica Bermudez

3 Counsel for Defendant

4 Martin Velazquez

5

6

7

8 **ORDER**

9 For the reasons set forth in the stipulation, the Court **CONTINUES** the change-of-plea hearing
10 to February 26, 2024 at 9:00 a.m. Time between January 22, 2024 through the continued hearing date on
11 February 26, 2024, inclusive, is deemed excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because
12 it results from a continuance granted by the Court at defendants' request on the basis of the Court's
13 finding that the ends of justice served by taking such action outweigh the best interest of the public and
14 the defendants in a speedy trial.

15
16 IT IS SO ORDERED.

17 Dated: January 18, 2024


18 UNITED STATES DISTRICT JUDGE